UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/SR.8
1 May 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 March 1997, at 10 a.m.

Chairman:	Mr. STROHAL (Vice-Chairman)	(Austria)
later:	Mr. SOMOL (Chairman)	(Czech Republic)

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GE.97-10983 (E)

In the absence of Mr. Somol (Czech Republic), Mr. Strohal (Austria), Vice-Chairman, took the Chair.

The meeting was called to order at 10.25 a.m.

STATEMENT BY MR. VARTAN OSKANIAN, DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ARMENIA

1. Mr. OSKANIAN (Armenia) reviewed the progress made by Armenia since it had become independent and described the objectives it had set itself. Having chosen democracy, the rule of law and respect for human life and dignity, Armenia had, through a referendum in 1995, adopted the Constitution required to put those choices into practice. It had also embarked on reforms of its social, political, legislative and judicial infrastructures. Its receipt of special guest status in the Council of Europe demonstrated that the States members of that organization acknowledged its commitment to the task it had undertaken.

2. In order to anchor its reforms firmly in reality and become a full member of the Council, Armenia was endeavouring, on the one hand, to rationalize its economy and transform it into an attractive free-market economy, and, on the other, to develop the appropriate legislative framework, with the assistance of the Venice Commission of the Council of Europe and the Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE). It was also strongly emphasizing education for citizenship and human rights education for civil servants, members of the Government and the general public.

3. Armenia also had to resolve the problems arising out of the conflict in Nagorno Karabakh, in other words, the inflow of refugees and the presence of prisoners of war on both sides. Armenia had taken in all the refugees from Azerbaijan and, with the assistance of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), had begun to assist and repatriate the migrants who had fled the economic crisis. Thanks to the mediation of the Russian Federation and of ICRC, there were no longer any prisoners of war in Armenia. Unfortunately, the same could not be said of Azerbaijan.

4. One of his Government's priorities was to protect the rights of minorities. The Constitution afforded protection to those collective rights, which should be upheld with the same vigour as individual human rights. Respect for the rights of minorities was a commitment to peace.

5. At a time when some States were using weapons of mass destruction against their own citizens, mankind as a whole should resist the temptation to sink into fatalism and should act to ensure respect for the principle of self-determination and to denounce and prevent the crime of genocide. Denial of the right to national self-determination should be considered a violation of fundamental human rights. In particular, support should be given to the right to self-determination of the people of Nagorno Karabakh, an overwhelming majority of whom had voted for sovereign independence in response to the pogrom they had suffered in 1988. Armenia was all the more determined to

support that cause because more than one and a half million Armenians had been killed in a genocide in 1915, a fact which many Governments still failed to recognize. Genocide was the denial of the right to survival, and the accumulation of all kinds of human rights violations inevitably led to genocide. It was imperative to learn the lessons of history and to prevent new genocides.

6. With the disappearance of the polarization characteristic of the cold war, Armenia had all the more difficulty in finding its place in the world because it lay at the crossroads of three civilizations: those of Europe, the Middle East and Asia. However, as its eyes were turned to the future, it had objectively assessed political and economic trends and circumstances and had decided to build a modern and viable country, a State governed by the rule of law and a liberal and democratic society whose goals were growth and development.

DEPARTURE OF MR. JOSÉ AYALA-LASSO, UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

7. Mr. KRAVETZ (El Salvador), speaking on behalf of the Group of Latin American and Caribbean States, paid tribute to the activities of the United Nations High Commissioner for Human Rights. The post which had been established by General Assembly resolution 48/141 in the wake of the World Conference on Human Rights, had filled a gap in the United Nations system. Mr. Ayala-Lasso had successfully transformed it into a well-established institution. He was also responsible for a policy based on consultation, for the development of bilateral or multilateral preventive diplomacy and for the establishment of human rights offices in numerous countries. It would be the responsibility of the international community to provide his successor with the means of continuing that work. The manner in which Mr. Ayala-Lasso had discharged his functions was an honour to the Latin American and Caribbean region. As he prepared to take office as Minister for Foreign Affairs of Ecuador, all the countries in the region thanked him and wished him every success.

8. Mr. BAICHOO (Observer for Mauritius), speaking on behalf of the Group of African States, paid tribute to the activities of Mr. Ayala-Lasso and thanked him, in particular, for having always given pride of place to Africa. He recalled that, in the days following his appointment, the High Commissioner had been faced with the crisis in Rwanda and then with the deteriorating situation in Burundi. The African countries were grateful to him for having constantly sought to establish a dialogue with them and with the Organization of African Unity (OAU), for having visited several of them and for having been to the Great Lakes region five times, for having set up four offices in Africa out of 12 throughout the world, and for having assigned to Africa one quarter of the funds of the technical assistance programme.

9. Mr. MBA ALLO (Gabon) associated himself with the statement by the coordinator of the African States and thanked Mr. Ayala-Lasso for having laid the foundations for cooperation between the High Commissioner for Human Rights/Centre for Human Rights and Gabon, which he had visited, and for his efforts to establish an authentic human rights culture in Central Africa.

10. Mr. HÖYNCK (Germany), speaking on behalf of the Group of Western European and Other States, said that the first United Nations High Commissioner for Human Rights had given shape and substance to the post. His action had been characterized by quiet diplomacy based on dialogue and respect for States, by preventive diplomacy through field missions in regions or countries threatened by crisis and by the reform of the Centre for Human Rights, which would strengthen the agency's effectiveness and contribute to coordinating the various human rights activities.

11. Mr. ALI (Malaysia), speaking on behalf of the Group of Asian States, expressed his gratitude to the High Commissioner for the way in which he had carried out his duties in a new post in which he had had to advance through largely uncharted territory.

12. Mr. SKODA (Czech Republic), speaking on behalf of the Group of Eastern European States, thanked Mr. Ayala-Lasso for his work as High Commissioner for Human Rights, which had included visits to numerous countries, increasingly important field operations to ensure protection for human rights and the reorganization of the Centre for Human Rights.

13. Ms. GERSON (United States of America) recalled that the establishment of the Post of United Nations High Commissioner for Human Rights had been the fulfilment of a desire to redress the imbalance between the high priority assigned to human rights in the Charter and the paucity of the resources allocated to it. Her Government had played an important role in the establishment of the post, and noted with regret the departure of Mr. José Ayala-Lasso, who deserved praise for his tireless devotion to the cause of human rights throughout the world and his efforts to restructure the Office of the High Commissioner/Centre for Human Rights.

14. Mr. van WULFFTEN PALTHE (Netherlands) associated himself with the statement made by the coordinator for the Group of Western European and other States. The post of United Nations High Commissioner for Human Rights had been a pipe dream for many years but, thanks to his personal qualities, Mr. Ayala-Lasso had been able to transform it into a well-established and active institution open to dialogue with States.

15. Mr. WU Jianmin (China) said that he fully endorsed the statement by the representative of the Group of Asian States. He particularly thanked the High Commissioner for having chosen dialogue and cooperation rather than confrontation and selectiveness. It was to be hoped that his successor would continue along the same path, and he wished him every success in the future.

16. Mr. AKRAM (Pakistan) said he wished to associate himself with the congratulations extended to the High Commissioner by the coordinator of the Group of Asian States. Mr. Ayala-Lasso would be remembered not only as the first United Nations High Commissioner for Human Rights, but also as an accomplished statesman. Despite the difficulties of his task, he had always shown the necessary impartiality and objectivity in addressing human rights issues. By his action and initiatives, he had determined the essential

characteristics of his office, and it was to be hoped that his successor would maintain the extremely high standards he had set. Pakistan was particularly grateful to him for having helped it to solve a number of delicate issues, despite the obvious difficulties.

17. Mr. AYALA-LASSO (United Nations High Commissioner for Human Rights) said that he wished to express his sincere gratitude to all the speakers for their kind words concerning him. All the participants in the Commission's session shared a common destiny - their common commitment to promoting and protecting human rights. For his part, he had endeavoured to put that commitment into practice, in a spirit of cooperation and openness, and he was gratified by the achievements of the previous three years. The progress made concerned a wide range of activities whose purpose was to promote and to protect human rights and fundamental freedoms throughout the world: dialogue with States, good offices missions, promotion of the right to development, the presence of human rights observers in the field, enhanced cooperation with United Nations agencies and programmes and with regional organizations and closer consultation with non-governmental organizations (NGOs), universities and civil society at large.

18. He remained convinced that the cause of human rights was mankind's noblest cause and that it was the responsibility of all to promote the universality of human rights, to reassert their indivisibility and ceaselessly to further the cause of democracy and the rule of law. A courageous and firm reaction to gross and large-scale human rights violations wherever they occurred, was indispensable and everything should be done to prevent them. Lastly, it was essential to broadcast the human rights message to every corner of the Earth. Many challenges still had to be taken up and obstacles overcome. He would regret being unable to take part in the events marking the fiftieth anniversary of the Universal Declaration of Human Rights and in the further activities undertaken in connection with the three ongoing decades - the Decade to Combat Racism and Racial Discrimination, the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education - as well as the review, five years after its implementation, of the Vienna Declaration and Programme of Action.

19. He reaffirmed his determination to continue to act on behalf of human rights whether in his own country, Ecuador, in Latin America or wherever his travels might take him. The common destiny to which he had referred would not be attained until arbitrariness and injustice had been abolished, democracy prevailed, poverty and exclusion had been eradicated, freedom reigned throughout the world and human rights were the common language of mankind. His earnest wish was that the twenty-first century should witness the fulfilment of those hopes. For its part, the Commission on Human Rights could be proud of all that it had undertaken and carried out, and of the results it had already achieved. He had been honoured to contribute to the great design the Commission served. He was convinced that the support peoples and Governments would provide for the cause of human rights would strengthen the future of peace, harmony, development and freedom to which mankind aspired and to whose construction the United Nations was dedicated.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1997/13-16, 107, 109, 111, 116 and 117)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 7) (continued) (E/CN.4/1997/23 and 24; A/51/392)

20. Mr. KRYLOV (Russian Federation), speaking first of all on agenda item 4, said that he wished to emphasize that the principle of land for peace and the application of Security Council resolutions 242 (1967) and 338 (1973) and of resolution 425 (1978) on the Lebanon were the only means of achieving a comprehensive and just settlement of the Middle East question. The recent Protocol Concerning the Redeployment in Hebron was a welcome development, and his Government also supported the decision to establish joint Israeli-Palestinian agencies that would operate on the basis of mutual regard for the respective obligations, concerns and interests of the two parties. The total lifting of the economic blockade on the Palestinian territories would also be a means of strengthening mutual confidence and combating terrorism, which jeopardized the fundamental interests of both peoples.

21. His Government considered that priority should be given to negotiations on the final status of Palestine, in conformity with the principles defined at Madrid. The Palestinians' aspiration to recognition of their national rights, including the right to self-determination, by that means posed no threat to Israel's interests. The establishment, on a mutually agreed basis, of a Palestinian State would help to strengthen security and good-neighbourly relations between Israelis and Palestinians. The problems of Jerusalem and of the Jewish settlements should be decided through negotiation, on a mutually acceptable basis. In that regard, the decision by the Israeli Government to build a new quarter in East Jerusalem was disturbing.

22. His Government fully associated itself with the international community's efforts to strengthen peace, stability and good-neighbourly relations in the Middle East, and it was in that spirit that it had recently taken part, in Moscow, in discussions with President Arafat and Prime Minister Netanyahu. The Commission on Human Rights also had its contribution to make to the peace process.

23. Regarding agenda item 7, he said that the right of peoples to self-determination was inseparable from the other fundamental principles of international law and that its attainment required the establishment of democracy and recognition for the primacy of human rights and fundamental freedoms. Recently, however, the assertion of that right had all too frequently led to expressions of extremism: aggressive nationalism, discrimination against certain population groups and attempts to establish mono-ethnic States. Radicalization of the right to self-determination was wholly unacceptable. The exercise of that right by a particular ethnic group should not violate the rights and interests of anyone, still less so those of a major component of a region's population. It was only possible to speak of self-determination if a territory's entire population fully enjoyed all its rights and freely took part in democracy, without any form of discrimination,

a concept that was set forth in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

24. The Declaration also stated that the right to self-determination should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part the territorial integrity or political unity of sovereign and independent States. That provision had been set forth as one of the imperatives for building Europe and reaffirmed in the Vienna Declaration and Programme of Action. General recommendation XXI (48) of the Committee on the Elimination of Racial Discrimination, according to which international law had not recognized a general right of peoples unilaterally to secede from a State, asserted the same principle. The attempts occasionally made to question those countries' territorial integrity in connection with the consideration of the human rights situation in certain countries were incompatible with the Charter of the United Nations.

25. In the Russian Federation, the various ethnic groups had been able to put into practice their right to self-determination by establishing autonomous republics, regions or districts. The Russian authorities were endeavouring, through their legislation, to adapt the concept of self-determination to Russia's multinational circumstances. Thus, in June 1996, the Russian Parliament had adopted the Act on national and cultural autonomy, which enabled the various peoples living in Russia to enjoy various types of national and cultural autonomy.

26. The new Penal Code of the Russian Federation, which had come into force on 1 January 1997, specifically prohibited the use of mercenaries to commit human rights violations and prevent peoples from exercising their right to self-determination.

27. Fulfilment of the right to self-determination depended on respect for democracy - regardless of any ethnic considerations - on recognition of the primacy of law and on the free cultural and national development of peoples, rather than on separatism, violence and aggressive nationalism.

28. Mr. DEMBRI (Algeria), speaking first of all on agenda item 4, said that the Madrid Conference which had laid the foundations for a peace process in the Middle East, and more recently the Oslo Agreements and the Protocol Concerning the Redeployment in Hebron, had raised hopes among the international community that the Palestinian people would shortly recover their legitimate and inalienable rights.

29. Unfortunately, those hopes were currently under threat from Israel's political manoeuvering, its condemnable practices and from its violations of the special status of the Holy City of Al-Quds (Jerusalem). The issue of peace in the region was fragmented into a multitude of subsidiary and prejudicial issues, undermining the overall coherence of attempts to negotiate and thus delaying progress. Even worse, the current Israeli Government was reneging on the solemn commitments made by its predecessors by denying the Palestinians the right to their own State with Al-Quds as its capital, by refusing to withdraw from the Syrian Golan and Southern Lebanon and by pursuing its policy of establishing settlements in the Palestinian

territories. The recent decision to build a new settlement in East Jerusalem to change the city's demographic composition had also met with virtually unanimous reproval from the international community.

30. His Government remained convinced that, for peace to be achieved in the Middle East, it was necessary for Israel totally to withdraw from the Arab territories occupied since 1967 and for a sovereign Palestinian State to be established. All the delaying tactics used to postpone that only means of achieving a settlement should be vigorously condemned by the international community.

31. Turning to agenda item 7, he said that, more than 30 years after the adoption by the General Assembly of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV) of 14 December 1960), Western Sahara remained one of the few parts of the world that was still under foreign domination and occupation, even though a plan for a settlement had been accepted on 30 August 1988 by the two parties to the conflict, Morocco and the Sahrawi people. The plan provided for the organization of a fair and impartial referendum to permit the Sahrawi people freely to decide its destiny. It was the expectation of the referendum which had persuaded the Frente Polisario to agree to suspend its operations in defence of its homeland and to sign a ceasefire with the occupying Power in September 1991. However, the other provisions of the plan had still not been applied on account of the occupying Power's evasions concerning the criteria for identifying and registering the electors, which were designed to deny the Sahrawi people its rights to self-determination and independence. The ceasefire itself came up against carefully maintained obstacles - for example mass population displacements and the building of a dividing wall. Those delays had had harmful consequences for the Sahrawis who were forced to choose between a hand-to-mouth existence in exile and the humiliation of life under foreign occupation.

32. As an observer of the conflict, Algeria had spared no effort to contribute to the region's stability and prosperity, although it remained convinced that, if any progress was to be made, the commitments to the international community had to be respected and, in particular, the parties must take practical steps to prepare for the self-determination referendum and to define, through negotiation, guarantees for the post-referendum period.

33. Mr. Somol (Czech Republic) took the Chair.

34. Mr. TARMIDZI (Indonesia) said that Chapter XI of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV) clearly set the right to self-determination within the context of decolonization. Throughout the whole period of the anti-colonial struggle, it had been assumed that defending that right essentially meant promoting the establishment of newly independent States, and from that angle, Indonesia had always fully supported the struggle of colonized peoples throughout the world, and particularly in Asia and Africa. In that respect, his Government believed that the implementation of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and of all the agreements whose long-term aim was to grant

national independence to the Palestinian people and to establish a Palestinian State, was a prerequisite for restoring peace, security and stability in the Middle East.

35. Indonesia had itself lived under colonial subjugation for almost 350 years and had gained its national independence only some 50 years previously. The ethnic tension it was currently experiencing, under the influence of secessionist and separatist agitators with foreign support, was in actual fact nothing but a legacy of that era. The Indonesian authorities were doing their utmost to preserve national unity, but received little support in their efforts. He asked how Portugal could possibly be allowed to portray itself as the administering authority of East Timor when it had actually left that territory in 1975. Since then, Portugal had continually fomented the civil war by providing clandestine support to FRETILIN. The Commission on Human Rights should take account of all the geopolitical, cultural and economic realities pertinent to the East Timor question. In geographical terms, it was the eastern part of an island that had been arbitrarily divided in the sixteenth century under a treaty between the Portuguese and the Dutch. It was only by bearing in mind those historical facts that the Commission would be able to understand that the Timorese had already fully exercised their right to self-determination by choosing to be integrated into Indonesia and that the vast majority of them had but one wish: to be able to develop their province in peace and freedom.

36. In no case could José Ramos Horta, a former leader of FRETILIN - an organization notorious for its brutality - be considered as the legitimate representative of the people of Timor, even though he had been awarded the Nobel Peace Prize in 1996 jointly with Monsignor Belo.

37. His Government was pursuing its sincere efforts to further the economic, political, social and cultural development of East Timor and to protect cultural and religious rights in that region but it would not allow itself to be subjected to political pressure such as the common position adopted in June 1996 by the European Union. It was prepared, as it always had been, to cooperate with the Secretary-General in identifying a fair and comprehensive solution to the question of East Timor within the framework of a tripartite dialogue. However, it was impossible to turn the clock back; decolonization had taken place and any solution should take that fact into account. On two occasions, in 1987 and 1991, a settlement had almost been found to the question of East Timor, but Portugal had prevented it. He hoped that the visit to East Timor by the Personal Representative of the new Secretary-General would allow progress to be made.

38. Mr. PARREIRA (Angola), speaking on agenda item 7, said, with reference to the report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1997/24), submitted by the Special Rapporteur on the question, that the report had not, in his view, any place under agenda item 7. He also regretted that the Special Rapporteur had exceeded his mandate which, in accordance with Commission resolutions 1987/16 and 1995/5 should involve seeking and receiving credible information on the question of

the use of mercenaries "as a means of impeding the exercise of the right of peoples to self-determination". The substance of the report submitted did not comply with that mandate.

39. Moreover, his delegation considered that the communication made by the Secretariat to the General Assembly on the report was a grossly misleading interpretation of it and an intolerable interference by the Secretariat in a legitimate decision by a sovereign State.

40. Angola had been the first State in the world to convict mercenaries in a fair public trial and could pride itself on being party to all the relevant major international legal instruments: it had in particular signed the 1977 OAS Convention for the Elimination of Mercenarism in Africa and was one of the few signatories to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted by the General Assembly in resolution 44/34 of 4 December 1989. On behalf of his Government, he vigorously urged all those Member States which had not yet done so to sign that extremely important document without delay and thus to make a genuine contribution to promoting universal respect for human rights.

41. Mr. ROSALES DIAZ (Nicaragua) said he ardently hoped that Israelis and Palestinians would finally manage to live in peace after more than half a century of conflict. To help them do so, the international community should provide them with financial support and technical assistance, failing which there was every reason to fear that the various economic and social problems besetting the region would develop into an authentic time bomb. The parties concerned should comply strictly with the principle of "land for peace", and jointly and sincerely continue to implement the Oslo Agreements. Nicaragua knew from experience how important trust was to achieve peace. The peace of the graveyard was never a satisfactory solution.

42. The repeated cordoning off of the occupied Arab territories and measures such as the land seizures and the establishment of new settlements certainly did nothing to foster dialogue. His delegation denounced all human rights violations and acts of terrorism, regardless of who was responsible. It was concerned by the practice of prolonged administrative detention and condemned the recent decision by the Israeli High Court to authorize the use of physical force in interrogations of Palestinian detainees. It urged the Israeli authorities to comply without delay with the recommendations of the Committee against Torture. The Israeli and Palestinian authorities should jointly strike a fair balance between Israel's security and the right of the Palestinian people to self-determination.

43. Mr. GOONETILLEKE (Sri Lanka) said that, although the content of the concept of self-determination had been reaffirmed and specified in the Vienna Declaration and Programme of Action, it was still being misinterpreted by some people. While it was legitimate for certain territories still under foreign domination or occupation to demand their right to self-determination, the same was not true of ethnic minorities and groups living in multi-ethnic countries that were ruled by democratic principles and that fully enjoyed the right to self-determination.

44. The Vienna Declaration and Programme of Action also recognized that some peoples living in independent and sovereign States were oppressed, and were thus justified in demanding recognition of their right to self-determination. The same instruments specified, however, that they should do so by lawful means - thereby excluding the possibility for them to attack civilians or their property or to resort to terrorism - and without jeopardizing the territorial integrity or political unity of sovereign and independent States. The responsibility of Governments was to conduct themselves in conformity with the principle of equal rights and self-determination for peoples, and to represent their country's population as a whole. As the former Secretary-General, Mr. Boutros Boutros-Ghali, had said, if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace, security and economic progress for all would be ever more difficult to achieve. The solution lay in respect for human rights and, in particular, for the rights of minorities.

45. Since the end of the cold war, claims to the right to self-determination - with no rational basis - by certain ethnic groups living in independent and sovereign States had become increasingly pressing. They constituted not only a risk of destabilizing the States concerned, but also a threat to international peace and security which was all the greater since some groups had no hesitation in resorting to terrorism. A clear distinction had to be made between the right to self-determination - the circumstances in which it was justified for a minority to attempt to leave an existing State - and the aspirations of certain groups to secede. The international community had a duty to assist States whose sovereignty and territorial integrity were under threat to cut out the cancer of terrorism concealed beneath the mask of the call for "self-determination".

46. Sri Lanka, which was grappling with a brutal insurrection and a terrorist campaign, was such a State. A group of separatist terrorists, claiming the right to self-determination for an ethnic group it purported to represent, had prevented that community's members from democratically electing their representatives and thus from actually exercising that same right. It had also rejected all the Government's peace offers, because its real aim was to destabilize the State by terrorism.

47. He hoped that the Commission would not be misled, as certain well-intentioned NGOs had been, by that terrorist group's spurious claim to the right to self-determination.

48. Mrs. EL HAJJAJI (Observer for the Libyan Arab Jamahiriya) said that, whereas the Special Rapporteur had previously duly described Israeli practices that violated the fundamental rights of the Palestinians and objectively recorded that Israel was destroying houses, exploiting water resources that belonged to the Palestinians, establishing settlements and Judaizing certain towns in order to destroy the Palestinian heritage, it appeared from his latest report (E/CN.4/1997/16) that he believed that the commitments made to achieve peace were actually being put into practice. Unfortunately, nothing could be further from the truth. For the peace process to be successful, it was necessary to take a hard look at the facts and to denounce breaches of those agreements, for to deny the facts was to play the game of those trying to limit the content of the commitments made.

49. According to the Special Rapporteur, no pressure would persuade Israel to change its attitude; that was a defeatist attitude which should be rejected because, in the meantime, the Palestinians were suffering as a result of the demands, extremism and human rights violations which formed Israel's policy.

50. Furthermore, the Special Rapporteur should not have placed Israel - an occupying military authority with a seat in the United Nations - on the same footing as the Palestinian Authority, whose powers were limited and which was subject to all kinds of internal and international pressure.

51. In practice, there was nothing in the field to indicate that respect for the fundamental rights of the Palestinians had improved since the territories had been occupied by force and transformed by the establishment of settlements there.

52. Lastly, she denounced the support Israel received from the United States. The United States certainly spoke of defending the Palestinians, but actions spoke louder than words. Even though some States had resisted political and economic pressure and endeavoured to bring Israel to reason in an international forum, the United States had interposed its veto. Israel could thus continue to employ every means, including terrorism, in pursuit of its objectives: to transform Palestine into a land without people and the Palestinians into a people without land. In addition, the Palestinians, who had been refugees for half a century, were henceforth a card for candidates in the United States presidential elections to play in order to gain votes from the Jewish lobby.

53. Mr. RAMLAWI (Observer for Palestine) said that there was no law capable of preventing a people from exercising its right to self-determination, to which all the world's peoples were entitled. The right of the Palestinians to self-determination and to build their own State on their national territory had been affirmed and reaffirmed since 1947 in numerous resolutions of the General Assembly, which had also emphasized that the exercise of that right was indispensable for the realization of a just and lasting peace in the Middle East. The international community would not have adopted all those resolutions if it had not been aware that there was a conspiracy against the Palestinians, dating back to the 1917 Balfour Declaration. Clearly, the Palestinians would be unable to exercise their inalienable right to self-determination while the foreign military occupation of their territory continued; the occupation was a war crime and a crime against the peace and security of mankind under international law.

54. The peace process initiated at Madrid was based on the implementation of the principle of "land for peace" and the application of Security Council resolutions 242 (1967) and 338 (1973) in order to establish a comprehensive peace in the region. Any action departing from that fundamental objective could only be interpreted as a desire to continue the war. That was precisely what Israel was doing by disregarding the agreements reached and acting resolutely against the provisions made. Nevertheless, the Palestinians were determined to exercise at any cost their right to self-determination and would continue to struggle to achieve it. The Commission on Human Rights could undoubtedly contribute through its action to enabling them freely to determine their destiny like all other peoples in the world.

55. Mr. MOUSSAEV (Observer for Azerbaijan) said that he wished to draw the Commission's attention to a serious ongoing problem that could lead to large-scale violations of human rights and to the destabilization of a whole country, or even of entire regions. He was referring to the attempts being made by some States with territorial ambitions to interpret the right to self-determination as the right for any ethnic group to set up its own State and thus to secede. To conceal their real aims, they sometimes denounced the discrimination practised against a minority living on the territory of another State. However, quite frequently the violations in question could be accounted for by the provocative attitude of some minorities, supported by external forces, and it even happened that it was the fault of representatives of the minorities themselves who found themselves in a position of strength in certain countries.

56. It should be remembered that, although international law upheld the right of peoples to self-determination, it also stipulated that the right could not be exercised on the basis of ethnic, religious or other criteria, in other words that it did not apply to minorities, even in the form of "internal autonomy", within a State. It was possible to speak of autonomy only in respect of States, and not of minorities living within a State. When a State granted a minority living on its territory the right to self-government, it frequently did so to resolve certain specific conflicts, to allow the minority to preserve its culture and pursue its own way of life or, in the case of a multi-ethnic State, to ensure peaceful coexistence between its various minorities. Accordingly, the rules of international law should be strictly applied and a clear distinction made between the right of a people to self-determination and the aspirations of certain groups to secede. To settle a conflict, it was first of all necessary to ensure respect for internationally recognized fundamental rights. That was the vocation of the Commission on Human Rights, and it was to be hoped that its efforts in that area would be crowned with success.

57. Mr. NASSERI (Observer for the Islamic Republic of Iran) said that the support received from certain Western countries had enabled Israel to continue to perpetrate with impunity large-scale violations of the fundamental rights of the Palestinians and Arabs. Under the pretext of not wishing to jeopardize the peace process which had begun at Madrid, a blind eye was being turned to the atrocities committed since the first agreements had been reached. However, one day it would have to recognize that those agreements were in any case an unjust and biased formula imposed upon the Palestinians for the sole purpose of ending Israel's political and economic isolation. The fact was that the real power remained with Israel, especially in sensitive areas such as defence and foreign affairs, and Israel was thus able to impose its will in the so-called autonomous areas.

58. The decision to build a new Jewish settlement in East Jerusalem was just one more betrayal of the Oslo Agreements, although it was likely to have serious consequences because the fate of Al-Quds al-Sharif (Jerusalem) was one of the main concerns of Muslims. The use by the United States of its veto to prevent the adoption of a resolution by the Security Council showed that that country had no respect either for the religious convictions of the Muslims or for their dignity. It was proof that the United States had no genuine interest, as it asserted, in peace, and that its only aim was to defend

Israeli interests, which was why it did not want the Europeans to become involved. Accordingly, his delegation thought that there was no point in submitting a draft resolution to the Commission requesting Israel to reverse its decision. The situation would only get worse until the Muslim countries united their political and economic forces to end the humiliation.

59. Mr. BENJELLOUN-TOUIMI (Observer for Morocco) said he regretted that the Commission's time was being wasted on sterile discussions of the question of Western Sahara. It was obvious that Morocco was not responsible for the current deadlock in the Settlement Plan adopted by the United Nations, as it had ceaselessly demonstrated its goodwill and determination to continue the process of settlement that had been begun and to cooperate therein honestly and constructively. All its initiatives had come up against the opposition of the other party and the latter's obstinate rejection of proposals designed to achieve progress. The remarks made by an observer whose status required him to demonstrate greater neutrality, were likely to exacerbate feelings and were not conducive to restoring the necessary calm for the issue to be definitively settled. It was understandable that a State should wish to defend the principle of the right of peoples to self-determination, which was a hallowed principle of international law, but in so doing it should set an example and not disregard those problems that might arise on its own territory.

60. There was every indication that the economic and social situation in Western Sahara was improving, which was certainly not the case in the refugee camps at Tindouf in Algeria, where conditions were deplorable. Those refugees needed assistance, but care should be taken to ensure that the humanitarian assistance provided actually reached its destination.

The meeting rose at 1 p.m.